THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 32706 of 1998

Dated: 22.06.2007

Between:

K. Prema Kumari

… Petitioner

AND

District Educational Officer,
Guntur and two others.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 32706 of 1998

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not paying salary to the petitioner for the period she has worked in the school run by Salvation Army Schools, India Central Territory, No.15 Ritherdan Road, Chennai.

The petitioner claims that she was appointed on 16.10.1990 as Sewing Mistress in place of K. John Santhosham by the Education Board of the 3rd respondent school. However, it is stated that since the District Educational Officer, who is the competent authority under the provisions of the Andhra Pradesh Education Act, 1982 (for short 'the Act') to approve the appointment, has declined to approve the petitioner's appointment, her services were terminated by respondent No.3 by an order dated 31.05.1993. As she worked for nearly three years in anticipation of approval of her appointment, according to the petitioner, she is entitled to the salary for the period during which she worked.

Respondents have not filed any counter. However, from the

averments contained in the writ petition, it is clear that the petitioner's appointment has not been approved by the competent authority under the Act. Therefore, the petitioner's appointment has no statutory flavour as the 3rd respondent is a minority private aided institution and the competent authority declined to approve the appointment of the petitioner.

I am therefore of the view that the petitioner cannot maintain the writ petition for the relief sought for therein. It may, however, be observed that if the petitioner had worked, as she claimed, with respondent No.3 college and if the latter has not paid her the salary which she would have been normally entitled to under the regulations or conditions of service prescribed by respondent No.3, it is always open to the petitioner to claim relief before an appropriate Court of law against respondent No.3.

Subject to the above observation, the writ petition is dismissed. No costs.

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C.V. NAGARJUNA REDDY, J

Date: 22.06.2007
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